

BERNALILLO COUNTY
Board of County Commissioners (BCC)
Administrative Meeting

Maggie Hart Stebbins, Chair
Debbie O'Malley, Vice Chair



Art De La Cruz, Member
Lonnie C. Talbert, Member
Wayne A. Johnson, Member

Tom Zdunek, County Manager

Agenda

Tuesday, May 14, 2013 @ 5:00 PM

VINCENT E. GRIEGO CHAMBERS

- 1. CALL TO ORDER**
- 2. SILENT INNOVATION AND PLEDGE OF ALLEGIANCE**
- 3. ANNOUNCEMENT OF ADDITIONS AND CHANGES TO THE AGENDA**
- 4. PROCLAMATIONS**
 - A. COMMISSION:** Memorial Day Proclamation
Presentation of Proclamation

ATTACHMENTS:
 - Memorial Day Procl. 05-14-13 (DOC)
- 5. CERTIFICATES AND AWARDS**
 - A. COMMISSION:** East Mountain High School Debate Champions
Presentation of Recognition

ATTACHMENTS:
 - Certificates of Recognition for East Mountain Students on 05-14-13 (DOC)
 - B. COMMISSION:** Metro Teen Court Acknowledgement
Presentation of Acknowledgement

ATTACHMENTS:

- Metro Teen Court Ack. for 05-14-13 (DOC)

C. COMMISSION: Dutch 200 Certificate of Recognition

Presentation of Certificate of Recognition

ATTACHMENTS:

- Dutch 200 - Certificate of Recog. on 05-14-13 (DOC)

D. COMMISSION: National Public Works Week Acknowledgement

Presentation of Acknowledgment

ATTACHMENTS:

- NPWW acknowledgment May 14 2013 (2) (DOC)

E. COMMISSION: Civilian Conservation Corps Acknowledgement

Presentation of Acknowledgement

ATTACHMENTS:

- CCC Acknowledgment (DOC)

6. PUBLIC COMMENT**7. MINUTES APPROVAL****A. BOARD OF COUNTY COMMISSIONERS: Minutes of the April 23, 2013 Administrative Meeting**

Motion to approve the April 23, 2013 Administrative Meeting Minutes.

8. APPROVAL OF CONSENT AGENDA**A. ACCOUNTING: Internal Audit Services**

Motion to:

1. Award RFP #33-13-MR to REDW LLC to Provide Internal Auditing Services to Bernalillo County.
2. Approve agreement between Bernalillo County and REDW LLC.
3. Authorize the County Manager to execute any future amendments.

A Request for Proposal, RFP #33-13-MR, Internal Audit Services was published on February 17, 2013 with submission of proposals due on March 31, 2013. The Audit Committee requests approval of REDW LLC as the highest ranked firm that responded to RFP #33-13-MR. This RFP is for an internal audit contractor to independently review, evaluate and report on internal control and the effectiveness and efficiency of county departments, agencies, and programs for which the Board have delegated responsibility to the County Manager. The internal audit contractor,

independent of county administration, will report to the Audit Committee and the Bernalillo County Commission and/or their designee.

In accordance with NMSA 13-1-117, [Competitive Sealed Proposals, Award], the Selection Advisory Committee, which consisted of Audit Committee members Maxwell Kagan, CPA, Paulette Becker, CPA, Esq., and Mandy Funchess, CPA, recommends that the award be made to the responsive offeror whose proposal is most advantages to the county based on the evaluation factors set forth in the RFP. Following the review of the proposals, the Committee ranked the seven scoring offerors as follows:

1. REDW, LLC
2. Moss Adams, LLP
3. Clifton Larson Allen, LLP
4. Axiom, LLC
5. Ricci, Porch & Company, LLC
6. Harshwal & Co., LLP
7. Heinfield, Meech, & Co.

ATTACHMENTS:

- RFP 33-13-MR Internal Audit Services (DOCX)
- Financial Analysis Form_Internal Audit Contract_FY14(XLSX)
- Internal Audit AGREEMENT FY13 (DOCX)
- RFP Summary (PDF)

B. HUMAN RESOURCES: Employee Assistance Program

Motion to award RFP #12-13-JV to Employee Health Resources, Inc., d.b.a. The Solutions Group.

The formal request for proposals RFP #12-13-JV was published on September 27, 2012 with a closing date of October 16, 2012. Five (5) proposals were received and opened in response to this formal request..

The successful vendor, Employee Health Resources, Inc. d.b.a. The Solutions Group, has been recommended after a thorough evaluation in accordance with established purchasing procedures.

Approval of the partnership between Bernalillo County and The Solutions Group is to ensure that County employees have access to initial counseling services. The Employee Assistance Program (EAP) provides services to all County employees and their immediate family members to help identify and resolve personal problems and situations. In addition, the EAP provides services to supervisory employees to assist in resolving employee performance problems and provides Substance Abuse Professional staff to meet the requirements of the Department of Transportation and Bernalillo County Substance Abuse Policies.

The EAP also works closely with the HR Training Section to provide various types of training for County employees.

The Purchasing Department coordinated the RFP process. The Evaluation Committee was comprised of Renetta M. Torres, HR Director; Chuck Griffith, Benefits Manager; Fidel Bernal, Deputy Treasurer; and Chris Sanchez, JDC Assistant Director.

ATTACHMENTS:

- Employee Assistance Program Agreement (DOCX)
- Employee Assistance Program Exhibit A (PDF)
- Employee Assistance Program Exhibit B (PDF)
- Employee Assistance Program Exhibit C (PDF)
- Employee Assistance Program Cost (PDF)
- EAP Fiscal Impact Form 051413 (PDF)
- Agenda Item EAP Eval Comm Rpt (PDF)

C. PARKS AND RECREATION: 2013 Free Summer Lunch Program

Motion to approve:

1. The 2013 Free Summer Lunch Program application to the State of New Mexico Family Nutrition Bureau.
2. The 2013 Summer Food Service Program agreement with Albuquerque Public Schools.

The Parks and Recreation Department requests approval to submit an application to the State of New Mexico Family Nutrition Bureau for the 2013 New Mexico Summer Food Service Program and approval of Meal Service Agreement with APS. The Summer Lunch Program provides a free nutritious sack lunch to youth between the ages of 1-18 years at over 45 sites throughout the unincorporated area of Bernalillo County. Free breakfast is also provided to youth at Bernalillo County Community Centers. Program duration is June 3 - August 9, 2013, with the exception of July 4th which is a County designated holiday.

All meals will be prepared by Albuquerque Public Schools (APS) Central Kitchen which is identified in the grant application as the Local School Food Service provider. The cost for the standard daily lunch is \$2.35 each, and \$1.50 each for breakfast. If applicable, meals picked up at Central Kitchen will be discounted at \$.09 per meal. The discounted rates are \$2.26 for lunch and \$1.41 for breakfast.

Approximately 116,900 lunches and 17,000 breakfasts are projected to be served to program participants at a cost of \$300,215, plus \$123,195 for staffing expenses. The remaining \$36,590 will be set aside for costs exceeding projected expenses all of which are fully reimbursable through the State of New Mexico Family Nutrition Bureau under this grant.

ATTACHMENTS:

- APS Contract Summer Lunch 2013 (PDF)
- Summer Lunch Online Application (PDF)
- Summer Lunch Program 2013 (XLSX)

D. PURCHASING: Ricoh and Xerox Expenditures Exceeding \$150,000

Motion to approve:

1. Expenditures exceeding \$150,000 for Ricoh and Xerox
2. Authorize the County Manager to execute future amendments to the existing Ricoh and Xerox agreements.

Bernalillo County awarded RFP #17-09-CS as a Multi-award to Xerox and Ricoh, for the leasing of multifunction copy machines County-wide. The term of the contracts are valid through July 22, 2013, and can be extended an additional four (4) years.

Staff recommends approval by the Bernalillo County Commission pursuant to Resolution AR 2012-17, to exceed the \$150,000 limit, which will allow departments to continue to lease machines from the contracted vendors and allow for continued equipment standardization County-wide.

ATTACHMENTS:

- Ricoh and Xerox FA Form (XLSX)

E. SOLID WASTE AND DIVERSIFIED SERVICES: Ethernet Metropolitan Area Network (MAN), Internet Service Provider (ISP), Circuit and Long Distance Services

Motion to authorize the County Manager to award and execute the contract between Bernalillo County and CenturyLink for Ethernet Metropolitan Area Network (MAN); Data Communication Services, Primary Rate Interface (PRI) circuits, and Long Distance Services, and to approve and execute any subsequent amendments or extensions to this agreement.

The Solid Waste and Diversified Services Department only received one proposal to provide Ethernet Metropolitan Area Network (MAN) data communication, Primary Rate Interface (PRI) circuits and Long Distance Services. Ethernet data communication capability will be provided to facilities and sites not serviced by County owned/built network infrastructure, telephone circuit and long distance services for the County. The contract will provide network data at permanent and temporary sites with monitored and scalable bandwidth and voice public switched telephone network (PSTN) access for the County's VoIP phone system throughout the County.

In order to procure these services prior to the end of the current contract, staff requests that the Board authorize the County Manager to award and execute the contract with CenturyLink for the provision of these services.

ATTACHMENTS:

- FAF 2013 Ethernet Metropolitan Area Network (XLSX)

F. YOUTH SERVICES CENTER: Prison Rape Elimination Act Grant

Motion to:

1. Approve Financial Resolution **FR 2013-_____** accepting and budgeting funds in the amount of \$245,627.00 for the Prison Rape Elimination Act Grant.
2. Authorize County Manager to execute sole source contract with Center for Children's Law and Policy

The Youth Services Center (YSC) was awarded a grant for the Prison Rape Elimination Act (PREA) in the amount of \$245,627. The funding will allow YSC to develop programs at the facility to establish a "zero tolerance" culture for sexual assault. Approximately \$120,000 will fund four PREA coordinators from four different counties to provide expertise to facilitate New Mexico PREA Zero Tolerance Implementation Project activities through development of project

deliverables. Approximately \$80,000 will fund The Center for Children's Law and Policy, a non-profit organization, to provide technical assistance on PREA policy and implementation, on the development of training curriculum and on the material development for PREA implementation. Approximately \$45,000 will fund the New Mexico Association of Counties, which is the authoritative organization over all Juvenile Detention Centers in New Mexico to print and keep materials for distribution, train the PREA staff trainers and enforce implementation. All Coordinators will inform the process as “experts” from their jurisdiction and will be responsible for buy-in and implementation at each of their respective sites. After project completion, the role established by Contract PREA Coordinators hired in the four counties will be transitioned to high level administrators within each respective facility who will take on the PREA Coordinator duties, the monitoring of policy and staff training implementation. This “hands on” approach by top level administration will help to create quality implementation through top level accountability.

The grant will show YSC how to increase safety of detained youth, decrease liability for detention staff, eliminate incidents of prison rape, develop policies and procedures as well as staff training and materials to support the implementation of zero tolerance regarding rape/sexual assault in detention for youth. YSC is respectfully requesting that the Board of County Commissioners approves the PREA Grant.

ATTACHMENTS:

- Bernalillo County Youth Services Center PREA Grant Agreement (PDF)
- Financial Resolution (DOCX)
- PREA GRANT FAF (XLSX)

9. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE

A. PUBLIC WORKS: Right-Of-Way Use Ordinance

Motion to:

1. Introduce and publish an ordinance pertaining to the use of County rights-of-way by utilities and other persons.
2. Approve Administrative Resolution **AR 2013-** rescinding AR 2012-95.

Following the initial introduction of this proposed ordinance in October, 2011, several actions and activities have occurred as presented below:

- Since Spring, 2012, extensive discussions have occurred with numerous members of the utility community that resulted in a better understanding of the County’s intent and the utility community’s needs, opinions, issues, and concerns.
- At the October 9, 2012 BCC meeting, Resolution AR 2012-95 was approved that prohibits the County from charging a franchise fee for the use of County property from a distinct group of companies within the utility community. The resolution also established a set fee of \$250.00 for Public Works staff to conduct design review activities on utility construction projects.
- The County’s internal auditor reviewed and substantiated our process and Audit Committee approved the analysis of the design review fee structure prepared by Public Works staff that established that the \$250.00 is too low.
- Two utility companies are seeking approval to occupy County property for new systems and associated infrastructure and have expressed the desire to move forward with some form of a

use agreement.

- The existing agreements with the utility companies that provide water and sanitary sewer service to the Sandia Heights area are expiring this year and need to be renewed.

As a result of these activities, the decision was made to bring forward a revised version of the Right-of-Way Use ordinance for consideration.

Rights of way in the unincorporated portions of the County and other property under the ownership and control of Bernalillo County are used by utilities, corporations, and individuals for fees to be calculated and collected using two (2) options: 1) Franchise Fee - a percentage of gross revenues and 2) Assessed Usage Fee - a formula-based calculation using “assessed value” of property occupied. These options will also be used to determine fees for non-utility entities using County property.

As presented in the Fiscal Impact, the estimated additional annual revenue from this ordinance is approximately \$5.9 million, based on three percent (3%) of gross revenues. Current annual Bernalillo County operational expenses for accommodating utility infrastructure in County rights-of-way and additional annual capital expenses encumbered by the County as a result of this utility infrastructure are estimated as follows:

• Shortened road life due to utility cuts	\$ 3,416,465
• Expenses improving unpaved roads	163,109
• Expenses associated with capital projects	2,000,000
• Operational expenses	<u>1,356,379</u>

Annual Total	\$ 6,935,953
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The Ordinance identifies a Right-of-way Administrator, to be designated by the County Manager, who will administer the ordinance and maintain the County right-of-way records. The Ordinance also establishes the procedures for reviewing and approving applications for right-of-way use agreements and subsequent permitting. As requested by some utilities, language has been included that will allow for a ‘no cost’ permitting process when the negotiated use fee incorporates permitting fees.

The Public Works Division requests that the Board approve the introduction and publication of an ordinance pertaining to the use of County rights of way by utilities and other persons within the unincorporated areas of the County. Staff also requested the approval of the administrative resolution rescinding AR 2012-95.

ATTACHMENTS:

- AR rescinding AR2012-95 (DOC)
- Right of Way Use Ordinance (DOC)
- ROW Fees FAF (XLSX)

B. ZONING/BUILDING/PLANNING: Amendment to Impact Fees Ordinance, Chapter 46 of the Bernalillo County Code

Convene a Public Hearing.

Motion to adopt **Ordinance 2013-**_____ amendments to Impact Fees Ordinance, Chapter 46 of the Bernalillo County Code, Impact Fees Capital Improvement Plan.

At its April 9, 2013 the Board of County Commissioners approved for publication the proposed amendments to the Impact Fees Ordinance. Impact Fee funds provide Bernalillo County the ability to expand infrastructure used for Parks & Recreation, Fire & Emergency Medical Services, Open Space, Roadways and Drainage facilities. Impact Fee revenue allows Bernalillo County the ability to maintain the current level of service provided by these departments while simultaneously accepting additional residents into the population.

Per the Impact Fees Ordinance (Chapter 46, Section 46.9), the IFCIP is to be updated every five (5) years. As such, an Advisory Committee was established in early 2012 consisting of five Bernalillo County citizens appointed by the Board of County Commissioners as well as staff representatives from each respective department. The recommendation of the Advisory Committee is to adopt the revised sections of the IFCIP as submitted to the Board of County Commissioners. This comprehensive review of the IFCIP will update current County Impact Fee rates and allow Impact Fee funds to be used on projects as identified in the IFCIP. Adjustments to the IFCIP are conservative yet comprehensive. The majority of the fees established by the IFCIP remain stable. Adjustments have been made to each of the five sections of the IFCIP taking into account population trends, cost to provide services to residents in the future as well as the current level of service being provided. The goal of the Advisory Committee has been to find a fair balance between fees assessed upon new development and the maintenance of service levels that have come to be expected by the residents of Bernalillo County, both current and future.

In summary, this revision to the IFCIP is a comprehensive update which will provide stability to the Impact Fees program for the next five years while also allowing the County to continue to provide basic amenities to its population base.

ATTACHMENTS:

- Impact Fees Ordinance 2012 Final (DOC)
- 2012 IFCIP OS FINAL DRAFT (DOCX)
- 2012 IFCIP PARK RECREATION TRAIL FINAL DRAFT (DOCX)
- IfCIP Fire 2012 (DOCX)
- IFCIP-2013 Drainage (DOCX)
- RAM 2012_Road IFCIP Draft Update (PDF)
- Zoning Ord Impact Fee General Summary 05 14 13 (revised) (DOC)
- IF Financial Analysis Short Form(XLSX)

10. ADOPTION OF RESOLUTION

A. ECONOMIC DEVELOPMENT: Housing and Urban Development, Community Development Block Grant Section 108 Loan Guarantee for RIEtech Global LLC

Motion to approve Administrative Resolution **AR 2013-**_____ requesting Bernalillo County to act as a fiscal and loan servicing agent to State of New Mexico Department of Finance and Administration (DFA) for the purpose of a Housing and Urban Development (HUD), Community Development Block Grant (CDBG) Section 108 Loan Guarantee in an amount of up to \$10,000,000 in connection with a proposed project for RIEtech Global, LLC (RIEtech) and related matters.

RIEtech Global LLC has applied for a Section 108 Loan Guarantee through the Federal Housing Urban Development Department (HUD). This program requires that the county acts as both the fiscal agent and the loan servicing agent. RIEtech Global, LLC creates and manufactures high-precision motion control positioning components and systems for military and commercial

customers globally. The loan amount is estimated at \$10,000,000 to be used for land, building, building improvements and operations. The loan term will be a maximum of 20 years; all other terms are being negotiated between the business and NM Department of Finance and Administration (DFA) at this time. RIEtech has already received conditional approval from the Community Development Council, which governs Community Development Block Grants and Section 108 Loan Guarantee Programs. This Resolution only provides the county's support of the project and RIEtech's application for a Section 108 Loan. In the future, the County Commission will need to approve both:

- a. The loan agreement between RIEtech and the county
- b. The fiscal agent and loan servicing agreement between the county and the state

ATTACHMENTS:

- Pre-Loan Resolution (D2) RIEtech (PDF)
- Rietech global llc Write up 4-24-13 (PDF)
- RIEtech Business Plan 2012 (PDF)
- 12December6_SpecialMeeting_Minutes from Community Development Council (PDF)
- RIEtech Underwriting Report (PDF)
- FAF-HUD CDBG Section 108 Loan - REltech Global LLC 4-26-13 (XLSX)

B. ECONOMIC DEVELOPMENT: Housing and Urban Development, Community Development Block Grant Section 108 Loan Guarantee for Atlantis Cyberspace Inc.

Motion to approve Administrative Resolution **AR 2013-** requesting Bernalillo County to act as a fiscal and loan servicing agent to State of New Mexico Department of Finance and Administration (DFA) for the purpose of a Housing and Urban Development (HUD), Community Development Block Grant (CDBG) Section 108 Loan Guarantee in an amount of up to \$10,000,000 in connection with a proposed project for Atlantis Cyberspace, Inc. and related matters.

Atlantis Cyberspace Inc. has applied for a Section 108 Loan Guarantee through the Federal Housing Urban Development Department (HUD). This program requires that the county act as both the fiscal agent and the loan servicing agent. Atlantis Cyberspace Inc. develops and manufactures immersive virtual reality simulation systems for groups of individuals; Atlantis Cyberspace Inc. is a start-up company not based in New Mexico. The loan amount is estimated at \$10,000,000 to be used for land, building, building improvements and operations. The loan term will be a maximum of 20 years; all other terms are being negotiated between the business and NM Department of Finance and Administration (DFA) at this time. Atlantis Cyberspace Inc. has received conditional approval from the Community Development Council, which governs Community Development Block Grants and Section 108 Loan Guarantee Programs. This Resolution only provides for the county's support of the project and Atlantis Cyberspace Inc.'s application for a Section 108 Loan Guarantee. In the future, the County Commission will need to approve both:

- a. The loan agreement between ACI and the county
- b. The fiscal agent and loan servicing agreement between the county and the state

ATTACHMENTS:

- ACI Business Plan 2012 (PDF)
- ACI Underwriting Report (PDF)
- Pre-Loan Resolution (D1) ACI (PDF)
- 12December6_SpecialMeeting_Minutes from Community Development Council (PDF)

- Copy of Section 108 _Atlantis Cyberspace Inc 4_26_13_3_30p (XLSX)
- ACI Executive Summary_4_24_2013_1_30pm (PDF)

C. FIRE & RESCUE: Public Hearing to Consider Adoption of an Administrative Resolution Banning the Use of Open Fires, Campfire's, and Smoking

Convene a Public Hearing:

To determine if the extreme or severe drought conditions continue to exist within the specified Fire Districts of the unincorporated areas of Bernalillo County and to consider adoption of a Proclamation Administrative Resolution banning the use of open fires, campfire's, and smoking.

Motion to:

1. Declare that an extreme or severe drought conditions exists pursuant to evidence presented at the hearing; and
2. Approve a Proclamation Administrative Resolution **AR 2013-** banning the use of open fires, campfire's, and smoking in the unincorporated areas of Bernalillo County.

The County continues to retain authority banning the use of open fires, campfire's and smoking in the unincorporated area. The proposed ban is for open fires, campfire's, and smoking, in the following areas of the County.

Fire District #5: All of the Wildland in the unincorporated areas east of Louisiana Boulevard to the west face of the Sandia Mountains and from San Antonio north to the Sandia Indian Reservation.

Fire Districts #6, 10, 11 and 13: East Mountain Area, north, south, and east to the County line.

Fire Districts #1, 2, 3, 4, 7, 8 and 9: Portions of the unincorporated areas to include the Rio Grande Bosque and Wildland areas extending 1000 feet from the outer edge of the Bosque.

The fire danger across Bernalillo County is expected to be very high to extreme with the fire season starting earlier than normal. This is due to current extreme drought conditions, above normal temperatures, below normal precipitation, below normal winter snow pack at the mid-elevations, and widespread vegetative dieback due to insect and disease damage, and frost kill. The following highlights are based on a consensus "most likely" scenario. The complete seasonal outlook follows this summary below.

Key factors for the 2013 season are:

- Precipitation this winter was from 0% to 50% of normal across much of the western ½ of New Mexico. Southwest Predictive Services expects dry weather for much of the summer months. The latest CPC climate outlook for this time indicates that temperatures will be above normal along the Central Mountain Chain.
- The weather pattern is expected dry and periodically breezy and windy conditions across the west with above normal temperatures.
- U.S. Drought Monitor indicates severe to extreme drought across most of New Mexico. The U.S. Seasonal Drought outlook released February 21st predicts persisting drought throughout all of New Mexico through the end of May.
- With the extended drought our Wildland fuels are drying out faster than normal. The 10HR

Fuels are ranging from 3-4% the 100HR are ranging 6-10% and the 1000 HR fuels are ranging 6-10%. These drying fuels can lead to large catastrophic fires.

- Average high temperatures over the past month were generally 6 to 10 degrees above normal, for the upcoming month the high temperatures 3 to 6 degrees above normal.
- Given the expected warmer than normal temperatures, the finer fuels will dry out further during the month. .
- Fire incidents for all Wildland fire agencies are increasing daily.
- Resource needs for initial attack, extended attack and potential project fires will be greater than usual through the fire season.
- There are no indications that the monsoon will begin early or late, or be especially weak or strong.

This ban is necessary to reduce the risk of Wildland fires, which pose a threat to timber, vegetation, and property. Fighting the fires exhausts the resources of the County Fire and Rescue Department. The National Weather Service indices and the New Mexico State Forestry Division report that due to the lack of precipitation, high winds, and low humidity, Wildland areas throughout the entire state are at a hazardous risk level. Consultation with the State Forester supports this conclusion. The County may issue succeeding resolutions if extreme or severe drought conditions warrant. A resolutions may be modified or rescinded within its thirty-day period by the County upon conducting an emergency hearing to determine if weather conditions have improved.

ATTACHMENTS:

- AR open burning Ban2013 (legal's revisions) (DOCX)
- Copy of Financial Analysis Short Form. (XLSX)

D. METROPOLITAN DETENTION CENTER: Metropolitan Detention Center Census Compliance Initiative

Motion to:

1. Approve FY13 budget re-appropriation of \$613,700 to house up to 300 inmates out of county.
2. Approve Financial Resolution **FR 2013-_____** FY14 budget up to \$6,805,000 to house up to 300 inmates out of county through the re-purposing of previously approved one-time funding.
3. Authorize County Manager to Negotiate and execute as necessary an Intergovernmental Agreement (IGA) and subsequent amendments between the Bernalillo County Metropolitan Detention Center (MDC) and Littlefield Texas.
4. Authorize the County Manager to Negotiate and execute as necessary an IGA and subsequent amendments between the Bernalillo County Metropolitan Detention Center (MDC) and Sandoval County.
5. Authorize the County Manager to Negotiate and execute as necessary an IGA and subsequent amendments between the Bernalillo County Metropolitan Detention Center (MDC) and New Mexico Department of Corrections

6. Authorize the County Manager to Negotiate and execute as necessary subsequent amendments to the contract between the Bernalillo County Metropolitan Detention Center (MDC) and Corrections Corporation of America
7. Authorize the County Manager to Negotiate and execute as necessary subsequent amendments to the IGA between the Bernalillo County Metropolitan Detention Center (MDC) and Cibola County
8. Authorize the County Manager to Negotiate and execute as necessary additional contracts and subsequent amendments to achieve inmate population reductions
9. Approve expenditure increase with Corrections Corporation of America.
10. Approve expenditure increase with Cibola County.

The Metropolitan Detention Center (MDC) has been working with the criminal justice system stakeholders within Bernalillo County to reduce the number and the length of stay of individuals incarcerated at MDC. Programs with the 2nd Judicial District Court, Public Defender, and the Bernalillo County Metropolitan Court are in place to assist in the reduction of the MDC population, but widespread systemic change and large scale reduction of the inmate population has not yet been realized.

MDC is increasing its Community Custody population and anticipates 500 participants by the end of fiscal year 2014. The jail population is averaging 2530 in calendar year 2013; this is 13% above build capacity. The overpopulated conditions at MDC compromise officer and inmate safety and create service delivery problems. The federal court as a result of the McClendon lawsuit has directed the County to reduce the population to building capacity or lower immediately. The County's only option at this time is to house inmates at other facilities. A reduction of close to 300 inmates will require multiple sites and multiple housing agreements.

MDC currently has agreements with Corrections Corporation of America (Estancia) and Cibola County. We are working on agreements with Sandoval County, New Mexico Department of Corrections (Los Lunas) and Littlefield Texas. The cost per day is averaging \$60.00. The daily expense for 300 inmates represents a cost to the county of \$613,700 for the remaining 33 days of FY2013. Funding for fiscal year 2013 can be found in remaining one time allocations from 2013. FY2014 will require \$6,805,000. In addition to housing, many of the contracts will require the County to reimburse the contractors for medical costs including medications. Medical and inmate transportation costs have been included in these estimates.

ATTACHMENTS:

- Cibola County Housing Contract(PDF)
- Corrections Corporations of America Housing Contract 2011-0403 (PDF)
- Cibola County Housing Contract (1St Amendment) 2011-0012 (PDF)
- Copy of Financial Analysis Form Inmate Housing May 2013 (XLSX)
- mdc census compliance FR (DOCX)

11. APPROVALS

A. ECONOMIC DEVELOPMENT: Certificate of Approval for Proposed Issuance of Bonds

Motion to authorize the Chair of the Bernalillo County Board of County Commissioners to approve on behalf of the Bernalillo County Board of Commissioners Certificates of Approval related to:

1. Proposed Issuance of Bonds for El Camino Real Academy.
2. Proposed Issuance of Bonds for Southwest Learning Centers.
3. Proposed Issuance of Bonds for the Montessori Education Foundation, Inc.

Public hearings pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, will be held on behalf of the Bernalillo County Board of County Commissioners, in connection with the issuance by the Wisconsin Public Finance Authority (the “Authority”) of its Revenue Bonds (Montessori Education Foundation, Inc., Southwest Learning Center, and Camino Real Academy) (The Charter Schools). The Bonds for The Charter Schools shall be issued in one or more tax exempt series in the maximum aggregate principal amount not to exceed twenty-two million six hundred sixty-four thousand seven hundred forty dollars and zero cents (\$22,664,740.00).

SECTION 147 OF THE INTERNAL REVENUE CODE requires public approval of private activity bonds. 501(c)(3) entities, such as The Charter Schools, fall under this requirement. FR5f.103-2(c) requires that both the Issuer and the Host jurisdiction (where a facility is located) conduct public hearings. Note: Bernalillo County is the Host jurisdiction for The Charter Schools. Both the Issuer and the Host can signify approval by having their chief elected executive officers approve the hearing. As such, the Board of County Commissioners may authorize the Chair to sign the Certificate of Approval on behalf of Bernalillo County.

Bernalillo County’s Bond Counsel will be responsible for conducting the hearings for the Host. The public is invited to attend the hearings to express its views, both orally and in writing, on the Bonds and the location and nature of these primary education facilities.

The proceeds of the bonds will be used by the Authority to provide funds for acquiring and equipping the primary education facilities for the Montessori Education Foundation, Inc. (\$6,000,000); Southwest Learning Center (\$6,000,000); and El Camino Real Academy (\$10,664,740) . The Charter Schools’ buildings are located within Bernalillo County. Payment of the Bonds will be provided by revenues received from a Note and a Mortgage between the Authority and the Charter Schools. The Charter Schools will operate the respective complexes.

ATTACHMENTS:

- Certificate of Approval for Proposed Issuance of Bonds Financial Analysis Short Form (XLSX)
- Notice of Public Hearing.doc (TEFRA) (D1 El Camino Real Academy) (DOC)
- Notice of Public Hearing.doc (TEFRA) (D1 Southwest Learning Centers) (DOC)
- Notice of Public Hearing.doc (TEFRA) (D1-Montessori) (DOC)
- Certificate of Approval El Camino Real Academy (DOCX)
- Certificate of Approval Montessori Education Foundation, Inc. (DOCX)
- Certificate of Approval Southwest Learning Centers (DOCX)

12. COMMUNICATIONS

13. BOARD AND COMMITTEE APPOINTMENTS

14. DISCUSSION

- A.** 2013 Legislative Executive Summary - Shoats & Weaks, Inc.

2013 legislative summary presented by County Lobbyists, Shoats & Weaks, Inc.

ATTACHMENTS:

- 2013 Legislative Session Summary bc 5 8 13 (DOCX)

- B.** Report on Status of Liquor License Tax Funded Prevention Initiative for Youths

Discussion on Status of Liquor License Tax funded Prevention Initiative for Youths

15. ANNOUNCEMENT OF NEXT COMMISSION MEETING:

- A.** Tuesday, May 28, 2013 Zoning Meeting @ 3:00 p.m., Vincent E. Griego Chambers

- B.** Tuesday, May 28, 2013 Administrative Meeting @ 5:00 p.m., Vincent E. Griego Chambers

16. SIGNING OF OFFICIAL DOCUMENTS**17. ADJOURNMENT OF MEETING**